

REMARKS

Applicants note that on page 17, § 2 of the response filed September 3, 2009, it is indicated that the combination of Neuschäfer and Coassin would yield a sample compartment having an arrangement of measurement area deposited on an arrangement of separated waveguide regions on the X axis and on the Y axis, so that one spot per waveguide is achieved. In other words, it would yield a sample compartment with a mosaic of single waveguiding regions with a single spot on each single waveguiding region. This would lead to a complicated arrangement of waveguides, which would not be effective to achieve miniaturization.

The assessment in this paragraph such the combination of Neuschäfer and Coassin would lead to "multi-layered waveguide with a first layer having measurement areas arranged in the X axis and the second layer having measurement areas arranged on the Y axis" is inaccurate. Such inaccuracy was made without deceptive intent. Such combination would lead to a **high division** of the waveguiding structure in both X and Y direction. The further assessment that "such an arrangement does not yield a planar wave guide" could be misunderstood. The arrangement resulting from the combination of Neuschäfer and Coassin "does not yield **one** planar waveguide **in a sample compartment**" is correct.

The multi-layered waveguide, that is a first and a second layer with different refractive index, is in both cases necessary to achieve optical waveguiding of excitation light.

Thus, in light of the above remarks as well as in light of the amendments and remarks of record, this case is in condition for allowance and early notice to that affect is solicited.

Respectfully submitted,

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